

### **REMARKS**

In response to the Restriction Requirement mailed June 15, 2006, Applicant provisionally elects, with traverse, the invention of claims 1-28 (Group I), directed to a non-human animal having a neurologic disease induced by perfusing the non-human animal with a pharmacologically effective amount of a combination of an A $\beta$  compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor, wherein the perfusion produces impaired performance of the animal in memory and learning tests and induces abnormal neuropathology in a brain of the animal, wherein said impaired performance and abnormal neuropathology are in comparison with control non-human animals and a method for preparing the non-human animal. With regard to the election of a specie from each of an A $\beta$  compound, a pro-oxidative compound, an anti-oxidant inhibitor, a phosphatase inhibitor, and a pro-inflammatory compound, Applicant provisionally elects, with traverse, the A $\beta$  compound A $\beta$ <sub>42</sub>, the pro-oxidative compound ferrous sulfate, the anti-oxidant inhibitor buthionine sulfoximine, the phosphatase inhibitor okadaic acid and the pro-inflammatory compound TNF- $\alpha$ . Applicant believes claims 1-28 read on each of the elected species. Reconsideration and withdrawal of the Restriction Requirement and the elections of specie, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are closely related. That is, claims directed to a non-human animal having a neurologic disease induced by perfusing the non-human animal with a pharmacologically effective amount of a combination of an A $\beta$  compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor, wherein the perfusion produces impaired performance of the animal in memory and learning tests and induces abnormal neuropathology in a brain of the animal, wherein said impaired performance and abnormal neuropathology are in comparison with control non-human animals and a method for preparing the non-human animal (claims 1-28; Group I) are related to claims directed to methods of using the non-human animal model (claims 29-30; Group II).

The Restriction Requirement is also traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of at least a portion of

an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions.

M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of a divisional application in order to obtain protection for the claimed subject matter. Due to the relatedness of the subject matter of the claims in Group I and Group II, as discussed above, those Groups can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner. In particular, the claims in Group I and Group II can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner, as the claims in those Groups are in the same class (800) for search purposes.

Thus, the Restriction Requirement is properly traversed. Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

In the event the Examiner does not examine the claims in Group II with the elected claims in Group I, Applicant respectfully requests rejoinder of the claims of Group II with the claims of Group I upon a notice of allowance for the claims in Group I.

The requirement to elect species from an A $\beta$  compound, a pro-oxidative compound, an anti-oxidant inhibitor, a phosphatase inhibitor, and a proinflammatory compound is traversed on the basis that the disclosed species have a disclosed relationship. That is the disclosed species of A $\beta$  compounds are A $\beta$  compounds; the disclosed species of pro-oxidative compounds are pro-oxidative; the disclosed specie of anti-oxidant inhibitor is an anti-oxidant inhibitor; the disclosed species of a phosphatase inhibitors inhibit phosphatase; and the disclosed pro-inflammatory compounds are pro-inflammatory. Therefore, withdrawal of the specie elections is respectfully requested.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/798,081

Filing Date: March 11, 2004

Title: ANIMAL MODEL SIMULATING NEUROLOGIC DISEASE

Page 9

Dkt: 1941.012US1

The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LAURENT LECANU ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6959

Date July 17, 2006 By Monique M. Perdok-Shonka  
Monique M. Perdok-Shonka  
Reg. No. 42,989

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of July, 2006.

Name

John D. Gurtner - Wraefall

Signature

John D. Gurtner - Wraefall